

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

INTERLINC MORTGAGE
SERVICES, LLC,

Plaintiff,

v.

SHANNON FORTNER, et al.

Defendants.

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Case No. 4:21-CV-00671

JUDGE CHARLES ESKRIDGE

**INTERLINC’S RESPONSE TO THE ASSISTANTS’ EVIDENTIARY
OBJECTION REGARDING THEIR RULE 12(B)(2) MOTION TO DISMISS**

In their Reply supporting their Rule 12(b)(2) Motion to Dismiss, the Defendant Assistants¹ objected that Exhibit 1 to InterLinc’s Response to their Rule 12(b)(2) Motion to Dismiss lacked proper authentication under FED. R. EVID. 901(a).² Exhibit 1 to InterLinc’s Response is a selection of pages from the Assistants’ Employment Agreements with InterLinc including venue and forum selection clauses and signature pages.

To satisfy Rule 901(a), the proponent of an item of evidence “must produce evidence sufficient to support a finding that the item is what the proponent claims it is.” FED. R. EVID. 901(a). Accordingly, InterLinc submits the attached declaration

¹ “Assistants” in this Response and elsewhere in this litigation refers to defendants Samantha Baldino, Laura Chilcott, Kelsey Douglass, Bridget Morris, Garret O’Leary, and Kenneth Springfield.

² The Assistants filed their Rule 12(b)(2) Motion to Dismiss [Doc. 35] on March 31, 2021. InterLinc filed its Response [Doc. 53] on April 21, 2021, which included the “Exhibit 1” at issue. The Assistants’ filed their Reply [Doc. 55] on April 26, which objected to Exhibit 1 for lack of authentication.

from Gene Thompson, CEO of InterLinc, identifying and authenticating the Assistants' employment agreements.

Having met its burden to overcome the Assistants' objection by producing authenticating evidence, InterLinc respectfully asks the Court to overrule the Assistants' Objection.

Respectfully submitted,

**AHMAD, ZAVITSANOS, ANAIPAKOS
ALAVI & MENSING, P.C.**

/s/ Joe Ahmad

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**COUNSEL FOR PLAINTIFF,
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CERTIFICATE OF SERVICE

I certify that a true and correct copy was served electronically on all counsel of record on May 24, 2021.

/s/ Luke Ott

LUKE OTT